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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

RANDY BONOGOFISKY,)	Cause No. CV 08-32-BLG-RFC
)	
Plaintiff,)	
)	
vs.)	NOTICE OF REMOVAL
)	PURSUANT TO 28 U.S.C. § 1446
BIG HORN COUNTY SHERIFF'S)	
DEPARTMENT, AND JOHN DOES)	
1-49,)	
)	
Defendants.)	

Defendant Big Horn County Sheriff's Department, by and through its attorneys, Nelson & Dahle, P.C., as Defendant in *Randy Bonogofsky v. Big Horn County Sheriff's Department, and John Does 1-49*, Cause No. DV-07-89, in the Montana Twenty-Second Judicial District Court, Big Horn County, hereby petitions for removal of the above-described cause of action to this Court and respectfully shows as follows:

1. Plaintiff's Complaint in the above-entitled matter seeks a recovery for damages associated with the alleged use of excessive force by law enforcement officers which resulted in the alleged violation of his Constitutional rights pursuant to 42 U.S.C. § 1983.

2. As such, Plaintiff's Complaint is a civil action arising under the Constitution, laws, or treaties of the United States.

1 3. The Court therefore has original jurisdiction of this civil action pursuant to 28
2 U.S.C. § 1331.

3 4. The above-entitled cause of action is therefore proper for removal to this Court
4 pursuant to 28 U.S.C. § 1441(a).

5 5. Defendant Big Horn County Sheriff's Department was served with the Summons
6 and Complaint on January 24, 2008. Defendant Big Horn County Sheriff's Department's
7 Petition for Removal is therefore timely and proper pursuant to 28 U.S.C. § 1446(b).

8 6. A copy of the Complaint served upon Defendant in the above-entitled action is
9 attached hereto as Exhibit "A" in accordance with 28 U.S.C. § 1446(a).

10 DATED this 22nd day of February, 2008.

11 /s/ Jared S. Dahle
12 Jared S. Dahle
13 NELSON & DAHLE, P.C.
14 ATTORNEYS FOR BIG HORN COUNTY
15 SHERIFF'S DEPARTMENT

14 **CERTIFICATE OF SERVICE**

15 The undersigned hereby certifies that on this 22nd day of February, 2008, a copy of the
16 foregoing **NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446** was duly served by
17 first class mail, postage prepaid, upon the following:

17 Robert L. Stephens, Jr.
18 SOUTHSIDE LAW CENTER
19 P.O. Box 1438
20 Billings, MT 59103-1438
21 Attorney for Plaintiff

21 /s/ Jared S. Dahle
22 Jared S. Dahle
23 NELSON & DAHLE, P.C.
24 ATTORNEYS FOR BIG HORN COUNTY
25 SHERIFF'S DEPARTMENT

24 c: Scott Wallace (Claim No. 37740)